

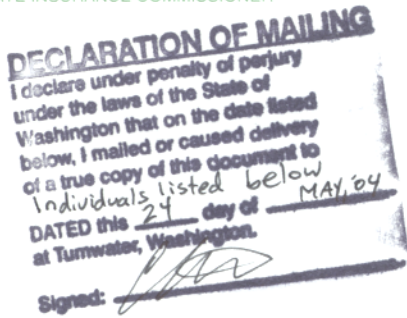


OFFICE OF  
INSURANCE COMMISSIONER

FILED

2004 MAY 24 A 9:40

Hearings Unit, DIC  
Patricia D. Petersen  
Chief Hearing Officer



In the matter of	)	No. D03-273
	)	
DAVE H. TRINH	)	ORDER OF CONTINUANCE
	)	
Licensee.	)	

To: Dave H. Trinh  
10842 SE 208<sup>th</sup> Street, Ste. 215  
Kent, WA 98031

Copy To: Mike Kreidler, Insurance Commissioner  
Michael G. Watson, Chief Deputy Insurance Commissioner  
J. Scott Jarvis, Deputy Insurance Commissioner, Consumer Protection Div.  
Charles D. Brown, Staff Attorney for Legal Affairs  
PO Box 40255  
Olympia, WA 98504-0255


On April 14, 2004, Dave Trinh (Licensee) filed a Motion for Continuance in this matter, asking that the hearing herein be continued from the currently scheduled April 23, 2004 hearing date.

Accordingly, on April 19, 2004, the undersigned heard oral argument on this Motion. The Licensee appeared pro se. The Insurance Commissioner (Commissioner) was represented by Staff Attorney Charles D. Brown. During said oral argument, the Licensee advised that he was currently being scheduled as the defendant in a trial in Superior Court for crime(s) related to those at issue herein and that his public defender had advised that he should not testify herein. On behalf of the Commissioner, Mr. Brown agreed to this continuance because, he advised, he believed that the Licensee could, and possibly would, plead the 5<sup>th</sup> Amendment and in so doing would present a hardship to his presentation of the Commissioner's case. On the basis of the above arguments, during the subject April 19, 2004 proceeding, the undersigned orally granted the Licensee's Motion for Continuance. The parties then agreed to a new hearing date of July 12, 2004.

Based upon the above activity,

IT IS HEREBY ORDERED that the hearing in this matter is continued until July 12, 2004, commencing at 9:00 a.m. in the Office of the Insurance Commissioner, 5000 Capitol Blvd., Tumwater, Washington, and shall continue on succeeding days until terminated.

Entered at Tumwater, Washington, this 24<sup>th</sup> day of May, 2004.



PATRICIA D. PETERSEN  
Presiding Officer

STATE OF WASHINGTON

MIKE KREIDLER  
STATE INSURANCE COMMISSIONER

Phone: (360) 725-7000



OFFICE OF  
INSURANCE COMMISSIONER

**DECLARATION OF MAILING**  
Under penalty of perjury  
under the laws of the State of  
Washington that on the date listed  
below, I mailed or caused delivery  
of a true copy of this document to

DATED this 16<sup>th</sup> day of March 2004  
at Tumwater, Washington.

Signed: Charles D. Brown

FILED

MAR 15 2004

Hearings Unit, OIC  
Patricia D. Petersen  
Chief Hearing Officer

In the Matter of )

DAVE H. TRINH, )

Licensee. )

No. D03 - 273

NOTICE OF HEARING

TO: Dave H. Trinh  
10842 SE 208<sup>th</sup> Street, Ste. 215  
Kent, WA 98031

COPY TO: Mike Kreidler, Insurance Commissioner  
Michael G. Watson, Chief Deputy Insurance Commissioner  
J. Scott Jarvis, Deputy Insurance Commissioner, Consumer Protection Div.  
Charles D. Brown, Staff Attorney for Legal Affairs  
PO Box 40255  
Olympia, WA 98504-0255

On February 9, 2004, the Insurance Commissioner received a request for hearing from Dave H. Trinh (Licensee). The purpose of said request for hearing is to contest the Commissioner's Order Revoking License entered December 10, 2003. Said Order revoked the insurance agent's license of the Licensee.

Accordingly, on February 27, 2004, the undersigned held a first prehearing teleconference in this matter. The Licensee appeared pro se and the Commissioner was represented by Charles D. Brown, Esq., of his Legal Affairs Division. During said prehearing conference, the undersigned reviewed administrative procedure and addressed all concerns and questions of the parties. Further, the parties agreed that the hearing in this matter shall be scheduled to commence at 9:00 a.m. on April 23, 2004. Further, the undersigned determined that, because of the fact that the Order Revoking License became by its terms effective December 30, 2003 and the Licensee did not file his Request for Hearing until February 9, 2004, the Order was not automatically stayed pursuant to RCW 48.04.020(1); for this reason, the Order became effective December 30, 2003 and shall remain effective until the undersigned enters a final order in this proceeding.

The purpose of the hearing will be to determine the validity and propriety of the Commissioner's aforereferenced Order Revoking License.

Mailing Address: P.O. Box 40255 • Olympia, WA 98504-0255  
Street Address: 5000 Capitol Blvd. • Tumwater, WA 98501



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The hearing will be held under the legal authority and jurisdiction granted the Commissioner by the Insurance Code, Title 48 RCW, and specifically RCW 48.04.010.

As stated in his request for hearing, the Licensee asserts that he is aggrieved by the Commissioner's Order Revoking License in that he believes that the complaints submitted as bases for the Order lack credibility and that there are facts, documents and information that have not been reviewed by the Commissioner which would draw these complaints into question. In addition, the Licensee asserts, the actions of the Department of Financial Institutions were taken without his being granted a fair hearing.

The Commissioner's position is as stated in his aforereferenced Order Revoking License, a copy of which has been furnished to the Licensee.

The Commissioner will be represented by Charles D. Brown, Esq. His mailing address is P.O. Box 40255 and his telephone number is 360-725-7044.

During prehearing conference, the Licensee advised that he will represent himself.

The adjudicative proceeding will be conducted pursuant to the requirements of ch. 34.05 RCW, the Administrative Procedure Act, and will be governed by the model rules of procedure, ch. 10-08 WAC. The Licensee may be represented by counsel, and may examine witnesses and fully respond and present evidence and argument on all relevant issues involved.

Based upon a delegation of authority from the Commissioner, the undersigned will conduct the hearing and will make the final decision and enter the final order relative to this matter. Her address is P.O. Box 40255, Olympia, WA 98504-0255 and her telephone number is (360) 725-7105.

As above, on February 27, 2004, the undersigned held a prehearing teleconference in this matter. Any future questions or concerns, or requests for additional prehearing conferences, which may arise, may be directed by any party to Charlene Bowman, administrative assistant to the undersigned, who can be reached by telephone at (360) 725-7002 or at the above address.

As required by RCW 34.05.434(2)(I), you are advised that a party who fails to attend or participate in the hearing or other stage of the adjudicative proceeding may be held in default in accordance with ch. 34.05 RCW.

Pursuant to WAC 10-08-040(2) and in accordance with ch. 2.42 RCW, if a limited English-speaking or hearing impaired or speech impaired party or witness needs an interpreter, a qualified interpreter will be appointed. There will be no cost to the party or witness therefore, except as

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may be provided by ch. 2.42 RCW. Following this Notice is a form you may use to advise the Chief Hearing Officer of your need for an interpreter.

This Notice is provided pursuant to RCW 48.04.010 and RCW 34.05.434.

**ORDER**

Based upon the above activity,

IT IS HEREBY ORDERED that the adjudicative hearing in this matter shall commence on April 23, 2004 at the hour of 9:00 a.m. in the Office of the Insurance Commissioner, 5000 Capitol Boulevard, Tumwater, Washington 98501.

ENTERED AT OLYMPIA, WASHINGTON, this 15<sup>th</sup> day of March, 2004.

A handwritten signature in black ink, appearing to read 'Patricia D. Petersen', written over a horizontal line.

PATRICIA D. PETERSEN  
Presiding Officer